

**From:** [REDACTED]  
**To:** [Manston Airport](#)  
**Subject:** RE: TR020002 Manston Airport - Deadline 11 submission by Historic England (Registration ID No. 20014009)  
**Date:** 05 July 2019 10:45:49  
**Attachments:** [Deadline 11 submission by Historic England.pdf](#)

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Dear Sir or Madam,

Please find attached a submission by Historic England concerning the wording of the DCO (Article 6 and Requirement 3). Although we were not asked further questions on this topic, we were previously asked by the ExA to continue to work with the applicant to find mutually acceptable wording. We hope that this new information will be acceptable and helpful to the ExA.

Yours faithfully,

**Paul D Roberts MCifA**  
**Team Leader - Development Advice (Berkshire, Buckinghamshire, Hampshire, Isle of Wight & Oxfordshire)**

London & South East | Regions Group

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**Application by Riveroak For An Order Granting Development Consent For An Airport At Manston Airfield**

**Application Ref: TR020002**

**Submission for Deadline 11 by the Historic Buildings and Monuments Commission for England (Historic England)**

**Registration ID No. 20014009**

**Our Ref: PA00513760**

**Dated: 05 July 2019**

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## 1. DCO - wording for Article 6 and Requirement 3.

1.1. In its fourth written questions the ExA requested that the Applicant and Historic England submit a mutually acceptable form of words for Article 6 and Requirement 3. We updated the ExA about progress in our response to the fourth written questions. Since that time we have had further email correspondence with the applicant and we have agreed on some wording; however we still disagree in some respects. Although we have not been asked to make a further representation on these topics, we presume to do so in the hope that it will be acceptable and helpful to the ExA. We anticipate that the applicant will have a final opportunity to respond to the ExA before Deadline 12. A summary of the agreed text, the areas of disagreement and our new proposals are set out in this document.

### 1.2. Requirement 3 – Development Masterplan

1.2.1. In respect of sub-paragraph (3)(a) we have agreed on appropriate wording i.e.: *“Before the Master Plan is submitted the applicant should commission further assessment of the historic character of the airfield, historic buildings survey, and archaeological investigation, and assess the heritage significance of heritage assets and their settings.”*

1.2.2. In respect of sub-paragraph 3(b) the applicant said that they consider it inappropriate to include in the DCO our suggested wording concerning preservation in situ and amendments to the design i.e.: *“Heritage assets of national importance should be preserved in situ by means of*

*amendments to the design, parameters or quantum of development.*” We understand that they think this text implies a blanket provision that may not be appropriate in all circumstances, and we appreciate that concern.

1.2.3. However, we continue to think it vital that Requirement 3 should provide commitment to the conservation of nationally important heritage assets, just as the National Planning Policy Framework would do. Therefore, we propose the following alternative, which uses the language of the National Planning Policy Framework where it refers to nationally important heritage assets (paragraphs. 193 & 190): *“The conservation of heritage assets of national importance and their settings should be given great weight, and conflict between their conservation and the proposal avoided or minimised.”*

1.2.4. In respect of sub-paragraph 3(c) we have agreed on the following wording: *“The applicant should consult the relevant planning authority, Kent County Council and Historic England before submitting the masterplan for approval and report on the consultees’ recommendations in the submission.”*

### 1.3. Article 6 - Limits of deviation

1.3.1. The applicant said that they think it inappropriate to include provision to restrict the Limits of Deviation in the Articles of the Order. They also said that they do not think that the proposed restriction on deviations from the works plans and engineering drawings would offer protection for heritage

assets on site. Instead they suggested that the amendments to the requirements will provide the necessary protection.

1.3.2. However, Historic England continues to think that further provision should be made to restrict deviations in areas that contain nationally important heritage assets and we think that specific provision for this should be made in the DCO. We would be content for this to be in the Requirements rather than the Articles.

1.3.3. The applicant disagreed with our suggested text, which was:  
*“Deviations will be restricted where they are likely to harm Heritage Constraint Areas, which are defined as areas containing heritage assets of national importance and their settings. Heritage Constraint Areas will be identified by the applicant in consultation the relevant planning authority, Kent County Council and Historic England following the heritage assessment undertaken to inform the masterplan and before the masterplan is submitted for approval. Areas containing archaeological remains of national importance that are discovered during subsequent archaeological mitigation work can also be defined as Heritage Constraint Areas by the relevant planning authority who will be advised by Kent County Council and Historic England.”*

1.3.4. However, if the concept of “Heritage Constraint Areas” is considered problematic or unnecessary by the ExA we would be content with the use of “heritage assets of national importance and their settings” instead, which is a phrase used in the NPPF. Therefore, we suggest that a new

clause in the Requirements should say: *“Deviations are restricted where they are likely to harm heritage assets of national importance and their settings that are considered worthy of conservation by the relevant planning authority, Kent County Council and Historic England”*.